

For Public

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and)
Complaint Against)
THOMAS CONKLIN, M.D.,)
Respondent.)

Case No. 09-5114-1

NO.

FILED

March 11, 2009

Samuel C. Gannon
CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Ms. Jean Stoess, M.A., and Benjamin J. Rodriguez, M.D., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Thomas Conklin, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a twenty-nine-year-old male at the time of events at issue. His true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A first presented to Respondent for a consultation on November 18, 1998. After undergoing an eye examination, which lacked corneal pachymetry readings or corneal imaging of his right eye, Patient A was scheduled for refractive laser eye surgery; more commonly know as LASIK surgery. On January 6, 1999, Patient A underwent a LASIK surgical

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1 procedure on his right eye, and on January 21, 1999, LASIK surgery on Patient A's left eye was
2 accomplished.

3 4. Initially Patient A had no complications from the LASIK procedures, but in July
4 of 2000, Patient A returned to Respondent complaining of a decline in his vision. Patient A's
5 vision continued to decline, and after a consultation with Respondent in September of 2000,
6 Patient A was provided a prescription for corrective glasses. Patient A returned to Respondent in
7 May and October of 2001. Both visits showed a slow, but steady decline in Patient A's vision.
8 In April of 2002, Respondent diagnosed Patient A with kerectasia.

9 5. In November of 2002, Patient A sought the services of a new practitioner. After
10 evaluation it was determined that Patient A was suffering a secondary corneal ectasia with
11 myopic astigmatism. Patient A was then referred to a specialist at UC Davis Medical Center.
12 That specialist concurred with the previous corneal ectasia diagnosis and Patient A prescribed
13 rigid gas-permeable contact lens to address Patient A's visual difficulties.

14 6. Based upon the foregoing, Respondent failed to use the reasonable knowledge,
15 skill and expertise ordinarily used in similar circumstances in his treatment of Patient A, in that
16 his pre-operative diagnostic testing was deficient, and had Respondent performed the appropriate
17 diagnostic tests in advance of the LASIK surgeries, it would have been clear that Patient A was
18 not a candidate for LASIK surgery, as Patient A had a high risk of developing post-LASIK
19 ectasia.

20 7. Section 630.301(4) of the Nevada Revised Statutes provides that malpractice,
21 defined as the failure to use the reasonable knowledge, skill and expertise ordinarily used in similar
22 circumstances, is grounds for discipline.

23 8. Respondent committed malpractice in the course of providing care and treatment to
24 Patient A and is subject to discipline by the Nevada State Board of Medical Examiners as provided
25 in NRS 630.352.

26 **WHEREFORE**, the Investigative Committee prays:

27 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal
28 hearing;

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2. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;

3. That the Board determine what sanctions it deems appropriate to impose for the violation committed by Respondent; and

4. That the Board make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed.

DATED this 11th day of March, 2009.

By: 

Edward Cousineau

Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

Charles N. Held, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 11th day of March, 2009.



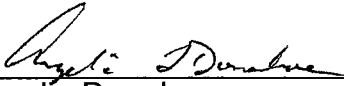
Charles N. Held, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 11th day of March 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, NOTICE OF PREHEARING & HEARING, information on fingerprinting and a copy of the appointment letter by mailing via USPS certified return receipt mail, to the following:

Thomas Conklin, M.D.
294 E. Moana Lane, #22
Reno, NV 89502

Dated this 11th day of March 2009.



Angelia Donohoe
Legal Assistant